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ENGROSSED SUBSTITUTE HOUSE BILL 1202

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State of Washington

62nd Legislature

2011 Regular Session

By House State Government & Tribal Affairs (originally sponsored by Representatives Hunt, Taylor, and Moscoso)

READ FIRST TIME 02/01/11.

1 AN ACT Relating to on-premise spirits sampling; amending RCW  
2 66.08.050, 66.16.070, and 66.28.040; creating a new section; and  
3 providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The liquor control board shall establish  
6 a pilot project to allow spirits sampling in state liquor stores as  
7 defined in RCW 66.16.010 and contract stores as defined in RCW  
8 66.04.010(11) for the purpose of promoting the sponsor's products. For  
9 purposes of this section, "sponsors" means: A domestic distiller  
10 licensed under RCW 66.24.140 or an accredited representative of a  
11 distiller, manufacturer, importer, or distributor of spirituous liquor  
12 licensed under RCW 66.24.310.

13 (a) The pilot project shall consist of thirty locations with at  
14 least six samplings to be conducted at each location between September  
15 1, 2011, and September 1, 2012. However, no state liquor store or  
16 contract store may hold more than one spirits sampling per week during  
17 the project period.

18 (b) The pilot project locations shall be determined by the board.

1 Before the board determines which state liquor stores or contract  
2 stores will be eligible to participate in the sampling pilot, it shall  
3 give:

4 (i) Due consideration to the location of the state liquor store or  
5 contract store with respect to the proximity of places of worship,  
6 schools, and public institutions;

7 (ii) Due consideration to motor vehicle accident data in the  
8 proximity of the state liquor store or contract store; and

9 (iii) Written notice by certified mail of the proposed spirits  
10 sampling to places of worship, schools, and public institutions within  
11 five hundred feet of the liquor store proposed to offer spirits  
12 sampling.

13 (c) Sampling must be conducted under the following conditions:

14 (i) Sampling may take place only in an area of a state liquor store  
15 or contract store in which access to persons under twenty-one years of  
16 age is prohibited;

17 (ii) Samples may be provided free of charge;

18 (iii) Only persons twenty-one years of age or over may sample  
19 spirits;

20 (iv) Each sample must be one-quarter ounce or less, with no more  
21 than one ounce of samples provided per person per day;

22 (v) Only sponsors may serve samples;

23 (vi) Any person involved in the serving of such samples must have  
24 completed a mandatory alcohol server training program;

25 (vii) No person who is apparently intoxicated may sample spirits;

26 (viii) The product provided for sampling must be available for sale  
27 at the state liquor store or contract store where the sampling occurs  
28 at the time of the sampling; and

29 (ix) Customers must remain on the state liquor store or contract  
30 store premise while consuming samples.

31 (d) The liquor control board may prohibit sampling at a pilot  
32 project location that is within the boundaries of an alcohol impact  
33 area recognized by resolution of the board if the board finds that the  
34 sampling activities at the location are having an adverse effect on the  
35 reduction of chronic public inebriation in the area.

36 (e) All other criteria needed to establish and monitor the pilot  
37 project shall be determined by the board.

1 (f) The board shall report on the pilot project to the appropriate  
2 committees of the legislature by December 1, 2012.

3 (2) The liquor control board may adopt rules to implement this  
4 section.

5 **Sec. 2.** RCW 66.08.050 and 2005 c 151 s 3 are each amended to read  
6 as follows:

7 The board, subject to the provisions of this title and the rules,  
8 shall:

9 (1) Determine the localities within which state liquor stores shall  
10 be established throughout the state, and the number and situation of  
11 the stores within each locality;

12 (2) Appoint in cities and towns and other communities, in which no  
13 state liquor store is located, contract liquor stores. In addition,  
14 the board may appoint, in its discretion, a manufacturer that also  
15 manufactures liquor products other than wine under a license under this  
16 title, as a contract liquor store for the purpose of sale of liquor  
17 products of its own manufacture on the licensed premises only. Such  
18 contract liquor stores shall be authorized to sell liquor under the  
19 guidelines provided by law, rule, or contract, and such contract liquor  
20 stores shall be subject to such additional rules and regulations  
21 consistent with this title as the board may require. Sampling on  
22 contract store premises is permitted under this act;

23 (3) Establish all necessary warehouses for the storing and  
24 bottling, diluting and rectifying of stocks of liquors for the purposes  
25 of this title;

26 (4) Provide for the leasing for periods not to exceed ten years of  
27 all premises required for the conduct of the business; and for  
28 remodeling the same, and the procuring of their furnishings, fixtures,  
29 and supplies; and for obtaining options of renewal of such leases by  
30 the lessee. The terms of such leases in all other respects shall be  
31 subject to the direction of the board;

32 (5) Determine the nature, form and capacity of all packages to be  
33 used for containing liquor kept for sale under this title;

34 (6) Execute or cause to be executed, all contracts, papers, and  
35 documents in the name of the board, under such regulations as the board  
36 may fix;

1 (7) Pay all customs, duties, excises, charges and obligations  
2 whatsoever relating to the business of the board;

3 (8) Require bonds from all employees in the discretion of the  
4 board, and to determine the amount of fidelity bond of each such  
5 employee;

6 (9) Perform services for the state lottery commission to such  
7 extent, and for such compensation, as may be mutually agreed upon  
8 between the board and the commission;

9 (10) Accept and deposit into the general fund-local account and  
10 disburse, subject to appropriation, federal grants or other funds or  
11 donations from any source for the purpose of improving public awareness  
12 of the health risks associated with alcohol consumption by youth and  
13 the abuse of alcohol by adults in Washington state. The board's  
14 alcohol awareness program shall cooperate with federal and state  
15 agencies, interested organizations, and individuals to effect an active  
16 public beverage alcohol awareness program;

17 (11) Perform all other matters and things, whether similar to the  
18 foregoing or not, to carry out the provisions of this title, and shall  
19 have full power to do each and every act necessary to the conduct of  
20 its business, including all buying, selling, preparation and approval  
21 of forms, and every other function of the business whatsoever, subject  
22 only to audit by the state auditor: PROVIDED, That the board shall  
23 have no authority to regulate the content of spoken language on  
24 licensed premises where wine and other liquors are served and where  
25 there is not a clear and present danger of disorderly conduct being  
26 provoked by such language.

27 **Sec. 3.** RCW 66.16.070 and 1933 ex.s. c 62 s 10 are each amended to  
28 read as follows:

29 No employee in a state liquor store shall open or consume, or allow  
30 to be opened or consumed any liquor on the store premises, except for  
31 the purposes of conducting on-premise spirits sampling pursuant to the  
32 provisions of this act.

33 **Sec. 4.** RCW 66.28.040 and 2009 c 373 s 8 are each amended to read  
34 as follows:

35 Except as permitted by the board under RCW 66.20.010, no domestic  
36 brewery, microbrewery, distributor, distiller, domestic winery,

1 importer, rectifier, certificate of approval holder, or other  
2 manufacturer of liquor shall, within the state of Washington, give to  
3 any person any liquor; but nothing in this section nor in RCW 66.28.010  
4 shall prevent a domestic brewery, microbrewery, distributor, domestic  
5 winery, distiller, certificate of approval holder, or importer from  
6 furnishing samples of beer, wine, or spirituous liquor to authorized  
7 licensees for the purpose of negotiating a sale, in accordance with  
8 regulations adopted by the liquor control board, provided that the  
9 samples are subject to taxes imposed by RCW 66.24.290 and 66.24.210,  
10 and in the case of spirituous liquor, any product used for samples must  
11 be purchased at retail from the board; nothing in this section shall  
12 prevent the furnishing of samples of liquor to the board for the  
13 purpose of negotiating the sale of liquor to the state liquor control  
14 board; nothing in this section shall prevent a domestic brewery,  
15 microbrewery, domestic winery, distillery, certificate of approval  
16 holder, or distributor from furnishing beer, wine, or spirituous liquor  
17 for instructional purposes under RCW 66.28.150; nothing in this section  
18 shall prevent a domestic winery, certificate of approval holder, or  
19 distributor from furnishing wine without charge, subject to the taxes  
20 imposed by RCW 66.24.210, to a not-for-profit group organized and  
21 operated solely for the purpose of enology or the study of viticulture  
22 which has been in existence for at least six months and that uses wine  
23 so furnished solely for such educational purposes or a domestic winery,  
24 or an out-of-state certificate of approval holder, from furnishing wine  
25 without charge or a domestic brewery, or an out-of-state certificate of  
26 approval holder, from furnishing beer without charge, subject to the  
27 taxes imposed by RCW 66.24.210 or 66.24.290, or a domestic distiller  
28 licensed under RCW 66.24.140 or an accredited representative of a  
29 distiller, manufacturer, importer, or distributor of spirituous liquor  
30 licensed under RCW 66.24.310, from furnishing spirits without charge,  
31 to a nonprofit charitable corporation or association exempt from  
32 taxation under section 501(c)(3) or (6) of the internal revenue code of  
33 1986 (26 U.S.C. Sec. 501(c)(3) or (6)) for use consistent with the  
34 purpose or purposes entitling it to such exemption; nothing in this  
35 section shall prevent a domestic brewery or microbrewery from serving  
36 beer without charge, on the brewery premises; nothing in this section  
37 shall prevent donations of wine for the purposes of RCW 66.12.180;  
38 nothing in this section shall prevent a domestic winery from serving

1 wine without charge, on the winery premises; (~~and~~) nothing in this  
2 section shall prevent a craft distillery from serving spirits without  
3 charge, on the distillery premises subject to RCW 66.24.145; and  
4 nothing in this section prohibits spirits sampling under this act.

5 NEW SECTION. **Sec. 5.** This act expires December 1, 2012.

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